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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,574	04/15/2004	Kurt Brooks Uhler	N0189US	8870
37583	7590	10/17/2007		
NAVTEQ NORTH AMERICA, LLC 425 West RANDOLPH STREET SUITE 1200, PATENT DEPT CHICAGO, IL 60606			EXAMINER HU, KANG	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 10/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/825,574

Applicant(s)

UHLIR ET AL.

Examiner

Kang Hu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 11-14, 17-19, 21, 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-14, 17-19, 21, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/15/2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/23/2007 has been entered. Claims 1-8, 11-14, 17-19, 21, 23 and 24 are currently pending. Claims 9, 10, 15, 16, 20, 22 and 25-35 have been cancelled.

Claim Objections

2. Claim 4 is objected to because of the following informalities: The applicant should state selecting a second course to be equivalent to the first course comprises applying a factor selected from a group consisting of participants' age, gender and physical handicaps. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-8, 11-14, 17-19, 21, 23 and 24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one

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skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicant recited, "wherein the second course is different from the first course" in claims 1, 21, and 24. The examiner failed to find the support for the claim in the specification of the application.

5. Claims 1-8, 11-14, 17-19, 21, 23 and 24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The applicant recited, "wherein the second course is different from the first course" in claims 1, 21, and 24. The examiner failed to understand how two courses that are different in terms of distance, elevation change and other factors could be compared due to their differences. It would be like comparing apples to oranges.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-8, 11-14, 17-19, 21, 23 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Re claim 1, 21 and 24, the applicant has amended the claims to add "selecting a second course to be **equivalent** to the first course, wherein selecting comprises accessing a geographic database, wherein the second course exists in the real world, and wherein the second course is **different** from the first course;" The claim

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language as recited by the applicant is indefinite as “equivalent” is an antonym of “different.”

The second course cannot be equivalent and different from/to the second course at the same time.

Claims 2-8, 11-14, 17-19 and 23 are rejected by 35 U.S.C. 112 1st and 2nd paragraph for being dependent upon claims 1 and 21.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-8, 11-14, 17-19, 21, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fry (US 6,463,385 B1) in view of examiner’s official notice and Fry in view of Khosla (US 6,080,063) as set forth in the previous office action.

Re claims 1-8, 11-14, 17-19, 21, 23 and 24 as best understood by the examiner as the method of facilitating performance by a participant in an event that includes movement along a course, the method comprising: selecting a first course, wherein the first course exists in the real world; selecting a second course to be equivalent to the first course, wherein selecting comprises accessing a geographic database, wherein the second course exists in the real world, and wherein the second course is in a different geographical location from the first course; monitoring a second performance by a second participant on the second course; comparing the first

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performance of the first participant to the second performance of the second participant and providing an indication of the comparing to the first participant.

With regard to claims 1-8, 11-14, 17-19, 21, 23 and 24, Fry discloses the claimed features, as set forth in the previous office action mailed on 6/5/07, with the exception of the newly added features of selecting a second course to be equivalent to the first course, wherein selecting comprises accessing a geographic database, wherein the second course exists in the real world, and wherein the second course is in a different geographical location from the first course. Fry does not explicitly teach the use of a geographical database, however fry does teach the use of collecting geographical data and viewed relative to the map information, for example, in superposition with respect thereto in col 3, lines 5-15. The disclosure provided by fry is analogies to a geographical database. Fry further teaches the use of a GPS to locate and track the participants on the course, even though Fry does not explicitly teach using the GPS to track different participants in different geographical location. It would have been obvious to applying a known technique of using GPS and wireless features disclosed in Fry to track two different participants in two different geographical locations as global positioning system have the ability to track any participants around the globe. Such information can be recorded and compared with another set of data collected in a different geographical location via network also disclosed by Fry. As for the limitation of selecting a second course to be equivalent to the first course, even though Fry does not explicitly state of such, it would have been obvious to do so as explained earlier by the examiner, it would not make any sense to compare two different courses of not the same dimension as it would be like comparing apples to oranges.

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Re claims 3, 4 and 17, the newly added limitations of selecting a second course to be equivalent to the first course comprises applying a factor selected from a group consisting of: distance, elevation changes, temperature, humidity, wind, surface, turns, average time per distance, average volume oxygen expelled per unit distance, average heart-rate per unit distance, time to complete a particular segment, and calories expended, Fry has disclosed the use of weather condition sensors to provide temperature and/ or speed/direction indications etc. in cols 3, lines 15-30. Fry does not explicitly disclose the selecting a second course to be equivalent to the first course comprises applying a factor of age, gender, and physical handicaps. However it would have been obvious to try, as these factors are commonly known in sports, as most of the time the males are competed against males and females with females and people with physical handicaps are compared against each other. Fry also discloses that the performances can be recorded and compared with each other in col 7, it is analogous to the limitation of comparing second performance by the first participant occurred at a time previous to a time of the first performance.

Claims 21, 23 and 24 have been discussed above in addition to the previous office action.

Response to Arguments

10. Applicant's arguments filed 8/23/07 have been fully considered but they are not persuasive. The reasons have been discussed in the above office action.

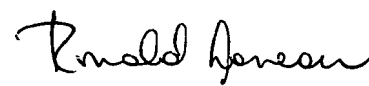
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kang Hu whose telephone number is (571)270-1344. The examiner can normally be reached on 8-5 (Mon-Thu).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KH
Kang Hu
October 14, 2007


Ronald Laneau
Trainer AU 3714

10/15/07